

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case - amended	Date Filed
05-CA-290554	2/11/22

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer	b. Number of workers employed	
Hershey Chocolate Company of Virginia, LLC	1300	
c. Address (street, city, state, ZIP code)	d. Employer Representative	e. Telephone No.
120 Harold Cook Drive, Stuarts Draft, VA 24477	Jon Corbin - Acting PM	717-773-3346
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service	
Factory/Chocolate Candy Products	Reese Candy, Almond Joy and other confectionery products;	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections <u>(1) and (3)</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
SEE ATTACHED:		
<p><b>Due to the egregious violation of the ACT and the chilling effect on eligible voters the BCTGM International Union is requesting injunctive relief under 10(j) of the ACT.</b></p> <p><b>By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.</b></p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number)		
Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, AFL-CIO, CLC		
4a. Address (street and number, city, state and ZIP code)	4b. Telephone No.	
BCTGM Int'l Union PO Box 977, Stuarts Draft, VA 2477	540-221-6492	
4. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization.)		
Bakery, Confectionery, Tobacco Workers and Grain Millers International Union, AFL-CIO, CLC,		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		
By  Signature of representative or person making charge	Title: International Rep.	
Address	Telephone No.	Date
Same as above	518-207-6254	2/11/2022

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)**

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

On or about October 7, 2021, the above-named Employer through its Officers, Managers, Supervisors and/or Agents unlawfully told new hired employees the company is nonunion and they cannot call Labor Union Representatives during new employee orientation.

On or about October 10, 2021, and the weeks following the above-named Employer through its Officers, Managers, Supervisors and/or Agents unlawfully solicited grievances from workers with the implied promise to remedy grievances without a union.

On or about October 10, 2021, the above-named Employer through its Officers, Managers, Supervisors and/or Agents coerced workers from signing union cards and/or campaigning for the union by giving them extra paid days off.

On or about October 10, 2021, the above-named Employer through its Officers, Managers, Supervisors and/or Agents coerced workers from signing union cards and/or campaigning for the union by giving certain workers wage increases over and above normal pay raises at the time union cards were being signed by these workers.

On or about January 19, 2022, the above-named Employer through its Officers, Managers, Supervisors and/or Agents discriminated against pro-union workers by allowing anti-union literature to be handed out on the work floor while forbidding pro-union employees from enjoying this right.

On or about January 19, 2022, the above-named Employer through its Officers, Managers, Supervisors and/or Agents threatened employees with disciplinary action if they exercised their rights by talking to coworkers about the benefits of joining the Union.

On or about January 20, 2022, the above-named Employer through its Officers, Managers, Supervisors and/or Agents spied and gave the impression of surveillance of union activities.

On or about January 20, 2022, the above-named Employer through its Officers, Managers, Supervisors and/or Agents told workers the National Labor Relations Board told them how many cards were signed, how many cards were signed by workers who were fired or resigned and allegedly how many duplicate cards were filed with RC petition leading workers to believe their confidential card was seen by management.

On or about January 28, 2022, the above-named Employer through its Officers, Managers, Supervisors and/or Agents coerced workers from signing union cards and/or campaigning for the union by giving them free gift cards.

On or about (b) (6), (b) (7)(C) 2022 the above-named Employer through its Officers, Managers, Supervisors and/or Agents suspended employee (b) (6), (b) (7)(C) in retaliations for (b) (6), (b) (7)(C) union activities.

On or about November 20, 2021 continuing to date, the above named Employer through its Officers, Managers, Supervisors and/or Agents Interrogated workers about their Union activity.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198



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Mobile App

February 15, 2022

Mark J. Swerdlin, Esq.  
Shawe & Rosenthal LLP  
One South Street, Suite 1800  
Baltimore, MD 21202

Re: Hershey Chocolate Company of Virginia  
LLC  
Case 05-CA-290554

Dear Mr. Swerdlin:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Kevin M. Mollica whose telephone number is (202) 780-3607. The mailing address is 1015 Half Street, S.E., Washington, DC 20570-0001. If this Board agent is not available, you may contact Supervisory Field Examiner David A. Colangelo whose telephone number is (410) 962-0180.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the

Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Correspondence:** All documents submitted to the Region regarding your case MUST be filed through the Agency's website, [www.nlr.gov](http://www.nlr.gov). This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

February 15, 2022

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Sean R. Marshall  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: Mr. Jon Corbin, Acting Plant Manager  
Hershey Chocolate Company of Virginia, LLC  
120 Harold Cook Drive  
Stuarts Draft, VA 24477





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February 15, 2022

Mr. Jared Cummings  
International Representative  
Bakery, Confectionary, Tobacco and  
Grain Millers International Union AFL-CIO CLC  
P.O. Box 977  
Stuarts Draft, VA 24477

Re: Hershey Chocolate Company of Virginia  
LLC  
Case 05-CA-290554

Dear Mr. Cummings:

The charge that you filed in this case on February 11, 2022 has been docketed as case number 05-CA-290554. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Kevin M. Mollica whose telephone number is (202) 780-3607. The mailing address is 1015 Half Street, S.E., Washington, DC 20570-0001. If this Board agent is not available, you may contact Supervisory Field Examiner David A. Colangelo whose telephone number is (410) 962-0180.

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If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board

agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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February 15, 2022

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sean R. Marshall". The signature is fluid and cursive, with the first name "Sean" and last name "Marshall" clearly distinguishable.

Sean R. Marshall  
Regional Director

Enclosure: Copy of charge